

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

W.P.No.33573 of 2017

Date: 21.06.2018

Between:

Pendlimarri Srinivasulu,
S/o.Venkat Subbaiah,
Aged about 49 years,
Occ: Business, R/o.D.No.45/58,
Chemummiahpet, Kadapa City,
Y.S.R. district and three others. ... Petitioners

And

The State of Andhra Pradesh,
rep. by its Principal Secretary,
Law & Legislature Department,
Secretariat Buildings, Secretariat,
Velagapudi, Guntur district
and six others ... Respondents

Counsel for the Petitioners : Smt.S.Parineetha for
Mr.V.R.Reddy Kovvuri

Counsel for the Respondents: G.P. for Law&Legislature for R1
Mr.J.Anil Kumar for R2
Mr.S.D.Goud for R4, R5 and R6
Mr.Shaik Mohd. Ismail for R7.

The Court made the following:

Order: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This writ petition is filed for quashing order in P.L.A.C.No.46 of 2017 dated 13.05.2017 passed by respondent No.2, whereby it has issued a direction to respondent No.4, to expedite the action of removing the encroachments and laying the cement road as demanded by respondent No.7-complainant and file compliance report, within 10 days.

2. The grievance of the petitioners is that, respondent No.7 has not impleaded them to the complaint filed before respondent No.1 and that even the latter has not thought it fit to cause notice to the persons who are likely to be affected by the action which was directed to be taken by respondent No.4.

3. The fact that the petitioners are likely to be affected by the action which was directed to be taken, is not in dispute. Howsoever laudable the directions that may be issued by the permanent Lok Adalats, they cannot venture to issue such directions, unless they make sure that the parties that are likely to be affected by such directions, are impleaded and they are heard. Lest, in trying of solve one problem, the permanent Lok Adalat will be creating multiple problems. Respondent No.2 shall therefore do well in future, to keep in mind the above noted observations, before issuing any direction to a public utility. In the instant case, as the petitioners are likely to be affected if the direction issued by respondent No.2 is carried out by

respondent No.4 and as they were not impleaded and heard before the impugned directions were given, the impugned order is set aside. This order however, will not preclude respondent No.7 from filing a fresh application, after impleading the petitioners. In such event, respondent No.2 shall cause notices to be issued to the petitioners and others that may be impleaded by respondent No.7, before adjudicating the dispute and issuing appropriate directions.

4. The writ petition is, accordingly, allowed to the extent as indicated above.

5. As a sequel, I.A.No.1 of 2017 (W.P.M.P.No.41772 of 2017) is disposed of and I.A.No.1 of 2018 is dismissed.



(C.V.Nagarjuna Reddy, J)

(Gudiseva Shyam Prasad,J)

Date: 21st June, 2018

msb

